P.R. No. 3549/05
Presented by Sh. Sameer Sahu
dated 26/7/05

(3) (1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 3453 OF 2005

PETITIONER : M.D. Wazir, aged about 47 years, son of Late Hazi Abdul Habib, resident of Main road, Tarbahar, Bilaspur (Chhattisgarh)

VERSUS

RESPONDENT : State of Chhattisgarhy, through – the Secretary, Department of Forest, Mantralay, D.K.S. Bhawan, Raipur (CG)

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

(23)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP No. 341 **सन्** 2005

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

1-8-2005

Shri Ashok Das Vaishnav, counsel for the petitioner.

Shri Sandeep Dubey, Govt. Advocate for the State/respondent.

Heard learned counsel for the parties.

The case of the petitioner is that the petitioner purchased a saw mill on 20th September 2004 from one Naresh Chand Gupta of Pendra Road, Bilaspur and physical possession of the saw mill has already been taken by the petitioner which is evident from the sale deed dated 4-11-2004. Thereafter, the petitioner applied for transfer of the said saw mill in the name of the petitioner, but the respondent refused on the ground that there is a ban imposed by the Hon'ble Supreme Court on the transfer of the saw mill and the same was communicated to the petitioner vide order Annexure-P/3 dated 5-10-2004.

Learned counsel for the petitioner submitted that Chief Conservator of Forest, State of Madhya Pradesh has issued direction Anneuxre-P/5 dated 24-3-2005 in which it has been mentioned that the Hon'ble Supreme Court thereafter constituted a committee to examine the situation and the said committee passed the order dated 21st March 2005.

Learned counsel further submitted that in view of the above fact, respondent should consider the case of the petitioner also. He

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(24)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

also submitted that the petitioner may be allowed to make a detailed representation to the respondent and respondent may be directed to decide the representation in accordance with law to which learned counsel for respondent has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a detailed representation to respondent within a period of 7 days raising all his points including the order passed by the empowered committee dated 21-3-2005 constituted by the Hon'ble Supreme Court and in turn respondent should decide the case of the petitioner in an objective manner after considering all the points raised by the petitioner within a period of 30 days from the date of receipt of the representation.

With the direction aforesaid, the petition stands disposed of.

In view of this order, I. A. No.6564/2005 also stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

Barve

(पीछे देखिये)